IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 39 of 1996

Between:

1 Shaik China Jani S/o. Dariya Saheb
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
2 Maddam Venkateswarlu S/o. Subbaiah
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
3 Shaik Saida S/o. Khasim Saheb
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
4 Julakanti Khashubude S/o. Bude Sab
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
5 Shaik Mohd. Khasim S/o. Dariya Saheb
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
6 Keti Kotaiah S/o. Rama Chandraiah
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
7 Shaik Madar S/o. Chand Saheb
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
8 Mallala Yellarao S/o. Ramulu
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
9 Shaik Subhani S/o. Imam Saheb
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
10 Bodepudi Annapurnamma w/o. Hanumantha Rao
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
11 Pathan Fakruddin s/o. Dada Saheb
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
12 Pothuganti Koteswara Rao S/o. Nagaiah
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
13 Syed Allabaksh s/o. Bude Saheb
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
14 Koppakula Panduranga Rao S/o. Pedda Appaiah
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
15 Nalajala Annapurnamma W/o. China Veeraiah
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
16 Shaik Mohboob Subhani s/o. Khasim Saheb
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.

17 KollimarlaSubba Rao S/o. Sambaiah
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.
18 Shaik Peeru Saheb S/o. John Saheb
residing at Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur Dist.

..... PETITIONERS

AND

1 The Commissioner Land Revenue
Nampally Station Road, Hyderabad.
2 The Joint Collector, Guntur,
Guntur District.
3 The Revenue Divisional Officer, Guntur,
Guntur District.
4 The Mandal Revenue Officer,
Krosuru Mandal, Krosuru, Guntur Dist.
5 Ch. Moses
R 5 is impleaded as per court order dt. 1.4.96 in WPMP 877/96.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ or order or direction more particularly one in the nature of writ of mandamus by declaring the orders passed by the authorities in directing eviction and demolition of the houses of the petitioners from Ac.0.89 Cents of land in Sy.No.574/B-8 of Krosuru Village & Mandal, Guntur District as illegal, arbitrary without jurisdiction and inviolation of Article 21 of the constitution of India.

Counsel for the Petitioner: MR.RAJA REDDY KONETI

Counsel for the Respondent s 1 to 4: GP FOR REVENUE

The Court made the following :

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.39 OF 1996

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of the respondents in taking steps for eviction and demolition of the houses of the petitioners situated in 0.89 cents of land in survey No.574/B-8 of Krosuru village of Guntur District.

It is stated in the counter filed on behalf of the respondents that the entire land in survey No.574/B is classified as burrial ground and the same is entered as such in P.O.B.register.

Though it is admitted that the land in question admeasuring 0.89 cents is under the occupation of the petitioners, but inasmuch as the said land is entered in the P.O.B.register as burial ground, the same cannot be assigned. Further, land encroachment proceedings were also initiated against the petitioners, which was confirmed by the Joint Collector. Inasmuch as the very land is prohibited from assignment, the petitioners without any authority or order from the competent authority, have raised structures on their own. In that view of the matter, the relief as sought for in this writ petition cannot be granted. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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(JUSTICE R.SUBHASH REDDY)

Dt.18.02.2005.

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..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner Land Revenue
Nampally Station Road, Hyderabad.
2 The Joint Collector, Guntur,
Guntur District.
3 The Revenue Divisional Officer, Guntur,
Guntur District.
4 The Mandal Revenue Officer,
Krosuru Mandal, Krosuru, Guntur Dist.
5. Two C.Cs to G.P.for Revenue, High Court of A.P., Hyderabad (OUT)

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